

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-092941

03/26/2012

HONORABLE J. JUSTIN MCGUIRE

CLERK OF THE COURT

E. Ramirez

Deputy

IN RE THE MARRIAGE OF  
JESSICA WILKINS

JESSICA WILKINS  
31 HARTMAN RD  
CARRIER MS 39426

AND

MARK WILKINS

MARK WILKINS  
12028 N 46TH LN  
GLENDALE AZ 85304

DOCKET-FAMILY COURT-SE  
FAMILY COURT SERVICES-CCC

**JUDGMENT/DECREE**

On June 20, 2011, Ms. Jessica Wilkins filed her *Petition for Dissolution of a Non-Covenant Marriage - With Children* (hereinafter *Petition*). On July 8, 2011, Mr. Mark Wilkins filed his *Response to Petition for Dissolution of a Non-Covenant Marriage With Children* (hereinafter *Response*). On March 26, 2012, the parties appeared for a settlement conference wherein the parties resolved their dispute.<sup>1</sup> Accordingly, to the extent that it has the jurisdiction to do so, the Court has considered and made provisions for custody, parenting time, child support, spousal maintenance and the division of property and debt.

Hereinafter, Mr. Mark Wilkins shall be referred to as "Father" and Ms. Jessica Wilkins shall be referred to as "Mother."

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<sup>1</sup> The Court finds that the parties' agreement, as stated on the record: (1) is the parties' agreement; (2) is understood by the parties to be their agreement; (3) is not the result of threats, promises or coercion; (4) is voluntary; and (5) is fair and equitable. Thus, the Court finds that the parties' agreement constitutes a binding agreement pursuant to Rule 69 of the Arizona Rules of Family Law Procedure (ARFLP) and is enforceable as such.

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**DECREE OF DISSOLUTION OF MARRIAGE**

**DISSOLUTION OF MARRIAGE**

**THE COURT FINDS** that at least one of the parties has been domiciled in the State of Arizona for at least ninety (90) days immediately preceding the filing of the *Petition*; that the conciliation provisions of A.R.S. §25-381.09 and the domestic relations education provisions of A.R.S. § 25-532 either do not apply or have been met; that the marriage is irretrievably broken and there is no reasonable prospect for reconciliation; and that Mother is not pregnant.

**THE COURT FURTHER FINDS** that the parties have four (4) minor children in common: Codey Wilkins (born 9/15/01); Breiann Wilkins (born 12/17/03); Emma Wilkins (born 6/24/05); and Tyler Wilkins (born 2/25/08). The parties and the minor children have resided in Arizona continuously for at least the six months preceding the filing of the *Petition*. This Court, therefore, has jurisdiction as Arizona is the “home state” of the minor children. *See* A.R.S. § 25-1031.

**THE COURT FURTHER FINDS** that neither party has committed an act of domestic violence against the other party.

**IT IS ORDERED** dissolving the marriage of the parties and restoring each party to the status of a single person upon the signing and filing of this minute entry as the *Decree of Dissolution of Marriage*.

**SPOUSAL MAINTENANCE**

Pursuant to the agreement of the parties,

**IT IS ORDERED** that neither party shall pay or receive spousal maintenance.

**DIVISION OF REAL AND PERSONAL PROPERTY**

Pursuant to the agreement of the parties,

**IT IS ORDERED** that the parties shall keep any personal property currently in his or her possession.

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**DIVISION OF DEBTS**

Pursuant to the agreement of the parties,

**IT IS ORDERED** that each party is assigned, shall be responsible for and shall hold the other harmless from the debts incurred on the credit cards held primarily in their names. Mother, therefore, is assigned the American Express, Capitol One Visa, Discover and HSBC Visa held in her name. Father is assigned the Captiol One Visa and Chevron held in his name.

**IT IS FURTHER ORDERED** that Father is assigned, shall be responsible for and shall hold Mother harmless from the debt of approximately \$7,000 related to the vehicle purchased during the marriage, which was previously repossessed. Mother is assigned, shall be responsible for and shall hold Father harmless from the debt of approximately \$9,600 owed to her mother.

**IT IS FURTHER ORDERED** that any debts incurred during the marriage, which are not specifically addressed herein, are assigned to the party who incurred those debts.

**IT IS FURTHER ORDERED** that any debts incurred since the service of the *Petition* on June 25, 2011, shall be the responsibility of the party who incurred that debt.

**ATTORNEY'S FEES AND COSTS**

Pursuant to the agreement of the parties,

**IT IS ORDERED** that each party shall bear their own attorney's fees (if any) and costs.

**CHILD CUSTODY**

Pursuant to the agreement of the parties,

**IT IS ORDERED** that the parties shall share joint legal custody over the minor children Codey Wilkins (DOB: 9/15/01), Breiann Wilkins (DOB: 12/17/03), Emma Wilkins (DOB: 6/24/05) and Tyler Wilkins (DOB: 2/25/08).

**PARENTING PLAN**

Pursuant to the agreement of the parties,

**IT IS ORDERED** that the parties shall share parenting time with the minor children as set forth herein below, which the Court finds to be in the best interests of the children.

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The children shall reside with Mother in the State of Mississippi at all times except as provided herein.

Father shall have parenting time with the children at the following times:

1. Father will have parenting time every summer from June 1<sup>st</sup> through July 31<sup>st</sup>.
2. Father may exercise parenting time during other recesses from school upon discussion and agreement of Mother and Father.
3. Both parents shall be permitted reasonable parenting time.
4. Both parents shall follow the normal schedule during any and all holidays.
5. Both parents shall have reasonable and private telephone contact with the children while the children are in the care of the other parent.

**Other Orders Regarding the Parenting Plan:**

Pursuant to the agreement of the parties,

**IT IS ORDERED** that Father is responsible for arranging and paying for the cost of travel for the children from the State of Mississippi to the State of Arizona for the exercise of his parenting time. Mother is responsible for arranging and paying for the cost of travel for the children from the State of Arizona to the State of Mississippi at the end of Father's parenting time.

**IT IS FURTHER ORDERED** that the parties shall confer and jointly make all major decisions regarding the children. Each shall give good faith consideration to the views of the other and put forth best efforts to reach a consensus decision. If the parties cannot agree, they shall participate in mediation with a mutually agreed-upon private mediator before seeking relief from the court. The parties shall equally share the cost of mediation (50% by Father and 50% by Mother).

**IT IS FURTHER ORDERED** that neither party shall relocate the residence of the children outside of the states in which they currently reside (State of Arizona for Father; State of Mississippi for Mother) unless that parent first secures the written consent of the other parent or secures a court order authorizing the move.

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**IT IS FURTHER ORDERED** that neither parent shall travel with the children outside the state of their current residence (State of Arizona for Father; State of Mississippi for Mother) for more than two (2) consecutive weeks without the prior written approval of the other parent.

**IT IS FURTHER ORDERED** that both parents shall have the right to authorize emergency medical/dental treatment, if needed, and shall have the right to consult with physicians and other medical practitioners. Both parents shall advise the other parent immediately of any emergency medical/dental care sought for the minor child, to cooperate on health matters pertaining to the minor child and to keep one another reasonably informed regarding the status of their child's health. Both parents shall keep each other informed as to names, addresses and telephone numbers of all medical/dental care practitioners. The parties shall make all major medical and dental decisions together, except for emergency situations as previously discussed.

**IT IS FURTHER ORDERED** that both parents are entitled to have equal access to documents and other information concerning the child's education and physical, mental, moral and emotional health including medical, school, police, court and other records directly from the custodian of records or from the other parent. A person who does not comply with a reasonable request shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to make the other parent comply with the request. A parent who attempts to restrict the release of documents or information by the custodian of the records without a prior court order is subject to appropriate legal sanctions.

**IT IS FURTHER ORDERED** that each parent shall inform the other parent of any changes of address and/or phone number seven (7) days in advance.

**IT IS FURTHER ORDERED** both parents have the right to participate in school conferences, events, and activities, and the right to consult with teachers and other personnel. The parties shall make all major educational decisions together.

**IT IS FURTHER ORDERED** that each parent shall promptly inform the other parent of any emergency or other important event that involves the minor child.

**IT IS FURTHER ORDERED** that each parent shall consult with and obtain the agreement of the other parent regarding any extra activity that affects the children's access to the other parent prior to having the children engage in any such activity.

**IT IS FURTHER ORDERED** that, if either parent is unable to follow through with the time-sharing arrangements involving the children, that parent shall notify the other parent as soon as possible.

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**IT IS FURTHER ORDERED** that each parent shall refrain from making any derogatory statements about the other parent or the other parent's current spouse.

**IT IS FURTHER ORDERED** that all communications regarding the minor child will be between the parents and that the parents shall not use the minor children to convey information or to set up parenting time changes.

**IT IS FURTHER ORDERED** that each parent shall encourage love and respect between the minor children and the other parent, and neither parent shall do anything that may hurt the other parent's relationship with the minor children.

**IT IS FURTHER ORDERED** that the parents shall exert their best efforts to work cooperatively in future plans consistent with the best interests of the minor children and to amicably resolve such disputes as may arise.

**IT IS FURTHER ORDERED** that, if the parents are unable to reach a mutual agreement regarding a legal change to their parenting orders, they shall hire a private mediator of their choice prior to filing any action with the Court. The parties will equally divide the cost of such mediation (50% to Father and 50% to Mother).

**IT IS FURTHER ORDERED** that both parents are advised that while a dispute is being resolved, neither parent shall deviate from this Parenting Plan, or act in such a way that is inconsistent with the terms of this *Decree*.

**IT IS FURTHER ORDERED** that the parties shall review the Parenting Plan every year.

**IT IS FURTHER ORDERED** that the parties understand that joint custody does not mean equal parenting time.

**CHILD SUPPORT**

Pursuant to the agreement of the parties,

**THE COURT FINDS** that all of the factors necessary for calculating child support are as stated in the *Child Support Worksheet*, filed contemporaneously herewith and incorporated herein by reference.

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**IT IS ORDERED** that child support is awarded and provisions for tax exemptions, insurance and unreimbursed medical expenses, all in accordance with the formal written *Child Support Order* signed by the Court on March 28, 2012, and filed (entered) by the Clerk on March 29, 2012, and the Court's further findings and orders are contained therein and incorporated by reference.

The respective parties shall receive a conformed copy of the foregoing via regular mail at their address of record hereinabove.

An Order of Assignment shall initiate electronically by the above-named deputy clerk.

**IT IS FURTHER ORDERED** signing this minute entry as a formal written *Decree of Dissolution of Marriage* of the Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

/s/ J. Justin McGuire

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The Honorable J. Justin McGuire  
Judicial Officer of the Superior Court

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/index.asp>.

**PLEASE NOTE:** Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change (A.R.S. § 25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.